

PTO/SB/30 (08-00)

Approved for use through 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# **REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/773,352
Filing Date	January 31, 2001
Examiner Name	Tran A, Phi Dieu
First Named Inventor	Carroll
Group Art Unit	3637
Attorney Docket Number	CRL/002

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2/11/03

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_
- iii. ☐ Other \_\_\_\_
- b. **Enclosed**
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_

## 2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_

## 3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 20-0782
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Other **Excess claim fee**
- b. ☐ Check in the amount of \$ \_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)


FAX RECEIVED

FEB 07 2003

GROUP 3600

Official

## **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)	Keith Taboada, Esq.	Registration No. (Attorney/Agent)	45,150
Signature		Date	February 6, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Complete if Known

TOTAL AMOUNT OF PAYMENT (\$ 426

Application Number 09/773,352  
Filing Date January 31, 2001  
First Named Inventor Camill  
Examiner Name Tran A. Phi Disu  
Group / Art Unit 3637  
Attorney Docket No. CRL002

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:
- Deposit Account Number 20-0782
- Deposit Account Name Moser, Patterson & Sheridan, LLP
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:
- ☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

1. BASIC FILING FEE				
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
101	740	201	370	Utility filing fee
106	330	208	165	Design filing fee
107	510	207	255	Plant filing fee
108	740	208	370	Reissue filing fee
114	180	214	80	Provisional filing fee
SUBTOTAL (1)				(\$ 0

## 2. EXTRA CLAIM FEES

2. EXTRA CLAIM FEES		Extra Claims	Fee from below	Fee Paid
Total Claims	23 -20 ** =	3	X 9 =	9
Independent Claims	4 -3 ** =	0	X 42 =	42
Multiple Dependent			X	0
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

\*\* or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,940*	113	1,940*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,860	228	930	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	480	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
128	160	128	160	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
148	740	248	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	750	279	375	Request for Continued Examination (RCE)	375
188	800	188	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	(\$ 375

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Kath Taboada, Esq.	Registration No. Attorney/Agent	45,150	Telephone	(732) 530-9404
Signature				Date	February 5, 2003

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RESPONSE ACCOMPANYING RCE  
S/N: 09/773,352  
Page 1 of 21

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2/11/03

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

**PATENT APPLICATION**

Applicant: **Carroll**  
Serial No.: **09/773,352**  
Examiner: **Tran, A.**

Case: **CRL/002**  
Filed: **January 31, 2001**  
Group Art Unit: **3637**

TITLE: **SAFETY ANCHOR**

COMMISSIONER FOR PATENTS  
Box RCE  
Washington, DC 20231

S I R:

**RESPONSE ACCOMPANYING**  
**REQUEST FOR CONTINUED EXAMINATION**

In response to the Final Office Action dated December 18, 2002 (Paper No. 5), having a shortened statutory period for response set to expire on March 18, 2003, please enter this response accompanying the enclosed Request for Continued Examination (RCE) and reconsider the claims pending in the application for reasons discussed below. The Commissioner is authorized to charge Deposit Account No. 20-0782 for any fees necessary to make this response timely and acceptable to the office.

**IN THE SPECIFICATION**

**Please replace paragraph 17 as follows:**

4B1  
The safety anchor 100 generally includes a center shaft 104 having a first member 106 and a second member 108 pivotally coupled thereto. The first and the second members 108 generally are driven through the roof 102 in a "folded" position adjacent the center shaft 104. Upon clearing the roof 102,